

REMARKS

In response to the Office Action mailed December 31, 2009, Applicant respectfully requests reconsideration. Claims 16-21 and 41-45 were previously pending in this application. Claims 16-21 and 41-45 have been amended in the claim listing above. Support for these claim amendments can be found in the specification, for example, at page 5, lines 30-31 and at page 17, lines 4-13. New Claims 47-59 have been added. Support for these new claims can be found in the specification, for example, at page 5, lines 30-31; page 11, line 1 – page 12, line 6; and page 16, line 1 – page 17, line 30. No new matter is being introduced. The application is believed to be in condition for allowance.

Claim Objections

Claims 17-20 and 42-45 were objected to because of typographical informalities. Claims 17-20 and 42-45 have been amended to correct the typographical informalities.

In addition, Claim 17-20 were objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 17-20 have been amended to be in proper dependent form.

Accordingly, Applicant respectfully requests the withdrawal of the Claim Objection.

Rejections under 35 U.S.C. §101

Claims 16-21 and 41-45 were rejected under 35 U.S.C. §101 as improper method claims that are not tied to a statutory class. Reconsideration of that rejection is respectfully requested.

Pursuant to *In re Bilski*, “a method claim is surely patentable subject matter if (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” *In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008).

Applicant’s now amended claim 16 recites in pertinent part:

A method executed by a peer to peer network node,

where the underlined text indicates elements added by way of amendment. As now amended, the method of claim 16 is tied to a particular machine, viz., a peer to peer network node.

Applicant respectfully submits now amended claim 1 overcomes the rejection under 35 U.S.C. §101. Independent claims 21 and 41 have been amended to include similar elements as amended claim 16, and, as such is allowable for at least the same reasons. Claims 17-19 depend from now amended claim 16 and claims 42-45 depend from claim 41, and, as such are allowable for at least the same reasons.

Rejections Under 35 U.S.C. §103

Claims 16-21 and 41-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 7,600,033 to Bauer *et al.* (hereinafter “Bauer”) in view of Lindemann *et al.* (“A Distributed Search Service for Peer-to-Peer File Sharing in Mobile Applications,” hereinafter, “Lindemann”). The rejection is respectfully traversed.

For context and without limitation, the present invention is directed toward a peer to peer network node for deployment on a peer to peer network. The peer to peer network node is programmed for identifying all files that a network node is sharing in a peer to peer network. The peer to peer network node issues a push request to a specific node to upload a file associated with a file index number starting at N, where N is a real number, to the peer to peer network node. The peer to peer network node records the specific file name associated with the file index number, and then increments the file index number and repeats the request until such time as the specific node no longer responds.

The Office Action, at page 5, acknowledges that Bauer does not disclose “requesting a specific node upload a file index number starting at N, where N is a real number, to said pseudonode; recording said specific file name is sent; and incrementing the file index number and repeating the request until such time as the specific node no longer responds.” However, the Office Action asserts that Lindemann discloses the above recited limitations.

Lindemann relates to Passive Distributed Indexing (PDI), a general-purpose distributed search service for mobile file sharing applications, which is based on peer-to-peer technology. The service enables resource-effective searching for files distributed across mobile devices based on simple queries. Building blocks of PDI constitute local broadcast transmission of query- and response messages, together with caching of query results at every device participating in PDI.

Lindemann discloses that “[t]o implement PDI, each mobile device maintains a local *repository*, consisting of a set of files stored in the local file system” and “[b]esides the repository, each mobile device implementing PDI maintains a local *index cache*” (page 3, Lindemann). The local index cache of Lindemann is a data structure that stores pairs of keywords and document identifiers for documents located at remote devices. Lindemann states that the index cache can be used by a mobile device to generate answers for queries, even if it does not store any matching documents.

The Office Action refers to the index cache disclosed by Lindemann when stating that Lindemann discloses “requesting a specific file upload a file index number starting at N, where N is a real number . . . recording said specific file name that is sent; and incrementing the file index number and repeating the request until such time as the specific node no longer responds,” as required by amended claim 16. However, Lindemann fails to disclose said limitation.

Lindemann discloses that the index cache is used to store pairs of keywords and document identifiers investigated in recently received reports. The index is used to answer queries without having to forward the query to a device that actually stores the matching document. Lindemann discloses that “PDI defines two types of messages,” one of which being of type “QUE.” (page 3, Lindemann). The received reports used to fill the index cache disclosed by Lindemann are the result of responses from the messages of type ‘QUE.’ Lindemann discloses that the “QUE” message contains a query string, which consists of one or more keywords. Further, Lindemann discloses that a message of type “REP” reports query results in response to a “QUE” message and the “REP” report contains the query string from the “QUE” message as well as the unique identifiers of one or more documents matching the query.

In other words, Lindemann merely discloses that nodes in a peer to peer network monitor search queries and responses and record information from the responses in an index cache. This enables the PDI system disclosed by Lindemann to limit flooding of peer to peer networks with search requests, because a node may contain an index of files located at other nodes. However, Lindemann does not disclose that the node holding the index cache generates the search query for a single specific node.

Significantly, Lindemann does not disclose that the query method used is that of searching by file index number. Lindemann merely discloses that the query contains a keyword

and that anything matching the keyword is returned. Such a process will not return a complete set of all files stored by a peer node.

In contrast, Applicant's node searches by file index number, and thus does not need to search by keyword. Applicant's node records the file name associated with a specific file index number at a specific node. Applicant's node then increments the file index number such that the node is able to record all files located in a single specific node.

Accordingly, Applicant respectfully submits that amended claim 16 overcomes the rejection, because the combination of Bauer and Lindemann fails to disclose each and every element of Claim 16, as amended. Independent claim 21 and 41 have been amended include similar elements as amended Claim 16. New Independent Claims 47 and 56 also include similar elements as amended Claim 16. Therefore, Applicant respectfully submits that claims 21, 41, 47, and 56 overcome the rejection under 35 USC 103(a) for the reasons presented above.

Because claims 17-20 and 42-45 depend from independent claims 16 and 41, respectively, Applicant respectfully submits that these dependent claims should be allowable for at least the same reasons presented above.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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